

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

CHEVRA KADISHA OF BOBOV, INC.,

Plaintiff,

-against-

WASHINGTON CEMETERY MANAGEMENT
CORPORATION,

Defendant.

-against-

CONGREGATION SHAAREI ZION D'BOBOV, *et*
al.,

Intervenors.

Civ. Docket No:06-5473
Hon. Claire C. Cecchi, U.S.D.J.

**AMENDED FINAL
JUDGMENT**

WHEREAS, on November 16, 2006, Chevra Kadisha of Bobov ("Chevra Kadisha") commenced this action seeking declaratory relief concerning, *inter alia*, its rights with respect to the provision of burial instructions to Washington Cemetery;

WHEREAS, on January 10, 2007, Intervenors Congregation Shaarei Zion D'Bobov, now known as Bobov-45 ("Intervenors Bobov-45") intervened in the above-referenced action and asserted certain rights related to the Chevra Kadisha cemetery plots;

WHEREAS, on February 5, 2007, Chevra Kadisha filed an Amended Complaint seeking declaratory relief, *inter alia*, compelling Washington Cemetery specifically to comply

with burial instructions only when such instructions were authorized by a majority of Chevra Kadisha's trustees.

WHEREAS, on May 7, 2007, the parties entered into a Stipulation and Order (the "May 7, 2007 Order").

WHEREAS, pursuant to the May 7, 2007 Order, the parties consented to the following procedures with respect to burial instructions for Chevra Kadisha's graves at Washington Cemetery:

Washington Cemetery shall accept and comply with any directives or instructions from Plaintiff (Chevra Kadisha), including, without limitation, burial certificates, only when such directives and/or instructions are signed by at least two of the three trustees of Plaintiff—namely Jacob Fuhrer, Yehoshua Eisenberg, and Moshe Duvid Meisels.

WHEREAS, the May 7, 2007 Order resolved the dispute with respect to the relief sought by Plaintiff in its claim for declaratory relief action against Washington Cemetery;

WHEREAS, on August 21, 2007, a Partial Final Judgment was entered incorporating the May 7, 2007 Order and providing that Washington Cemetery shall have no liability to either Plaintiff or the Intervenor or any of their privies provided that it complies with the terms of the Judgment;

NOW, THEREFORE, it is on this 5th day of November 2019, an Amended Final Judgment is entered as follows:

1. The Chevra Kadisha trustees are now Shia Eisenberg, Moshe Duvid Meisels and Chaim Eisen.
2. Washington Cemetery shall continue to accept and comply solely with any directives or instructions received from Chevra Kadisha, including, without limitation, burial certificates, only when such directives and/or instructions are signed by at least two of the three Chevra Kadisha trustees serving at that time (currently Messrs. Eisenberg, Meisels and Eisen as

set forth in paragraph 1 above). The Chevra Kadisha Board of Trustees may in the future pass a resolution allowing for a different method of providing directives or instructions to Washington Cemetery, (i.e. a directive of a duly elected or appointed officer or similar methods), Washington Cemetery shall comply with such changed method at such time it is passed by resolution of the Chevra Kadisha Board of Trustees, so long as Washington Cemetery is notified in writing.

3. The parties recognize that pursuant to the laws of the State of New York and as provided for in the Certificate of Incorporation as amended, the trustees of Chevra Kadisha may change over time as new trustees may be elected. The parties further recognize, that at any and all times, only the individuals who have paid the annual fee three of the five preceding years for a seat in the main synagogue of Bobov, currently located at 4715 15th Avenue and 1533 48th Street in Brooklyn, NY, known as Khal Sharei Zion Bobov, shall be qualified to vote to elect trustees of Chevra Kadisha or to vote at any of its corporate meetings. No other individual or entity, including, but not limited to, members or other individuals associated with Intervenor Bobov-45, shall be eligible to vote to elect trustees of Chevra Kadisha or to vote at any of its corporate meetings. Chevra Kadisha shall provide written notice to Washington Cemetery of any changes to the identity of the trustees. Any and all limitations on the authority or actions of the Chevra Kadisha trustees in any prior Court Order or Arbitration Award are hereby removed.

4. Intervenor Bobov-45 release, relinquish, waive and discontinue, with prejudice any and all claims of any right, title, interest, (including but not limited to any use of land), ownership, management (either as trustees or officers), membership, or any form of control (including the right to vote for trustees or in any corporate meeting), in, to, or of Chevra Kadisha, and relating to any of its affairs, including but not limited to, its property located in Washington Cemetery, in Section 2 Blocks 8 and 9 and/or to any other assets which Chevra Kadisha owns, as if they had executed a general release releasing Chevra Kadisha.

5. Washington Cemetery shall have no liability to Chevra Kadisha or Intervenor Bobov-45 for complying with the directives or instructions received from Chevra Kadisha provided that it complies with the terms of Paragraph 2 of this Judgment.

6. Washington Cemetery takes no position with respect to any provision of this Judgment unrelated to Washington Cemetery and therefore limits its consent to the form and entry of Paragraphs 2, 5 and 6 of this Agreement. For the avoidance of any doubt, this Final Judgment relates only to the graves owned now or in the future by Chevra Kadisha of Bobov and does not relate to any graves to be purchased by Intervenor Bobov-45 or any of its affiliated entities.

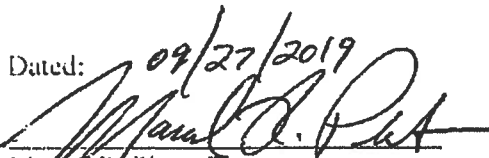

Hon. Claire C. Cecchi, U.S.D.J.

The form and content of this Final Judgment are hereby agreed to by:


Dated:

/s/ Jonathan W. Wolfe
Jonathan W. Wolfe, Esq.
Skoloff & Wolfe, P.C.
293 Eisenhower Parkway
Livingston, NJ 07039
Counsel for Plaintiff Chevra Kadisha

Dated:

09/27/2019

Marcel R. Plaut, Esq.
415 60th Street, 2nd Floor
West New York, NJ 07093
*Counsel for Defendant Washington Cemetery:
Form and Consent to Paragraph 2, 5 and 6 of
the Judgment*

Dated:


Joseph M. Hershkowitz, Esq.
Frenkel, Hershkowitz & Shafran LLP
49 West 37th Street
New York, NY 10018
Counsel for Intervenor